LIFE IMPRISONMENT

UNITED NATIONS

United Nations Office at Vienna
Crime Prevention and Criminal Justice Branch

LIFE IMPRISONMENT

UNITED NATIONS
Vienna, 1994

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

ST/CSDHA/24

Preface

The United Nations has been concerned with the conditions and treatment of prisoners for many years. Only recently, however, has it focused its attention more closely on life imprisonment. The First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva from 22 August to 3 September 1955, adopted the Standard Minimum Rules for the Treatment of Prisoners.[1] Rule 60 (1) stipulates that the regimes of penal institutions should seek to minimize any differences between prison life and life at liberty which tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings. That concern has prompted the elaboration of many other international instruments to improve the effectiveness of criminal justice and to protect the rights of offenders and victims.[2]

Since the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,[3] held at Caracas from 25 August to 5 September 1980, the United Nations has paid increased attention to penal policies for the long-term prisoner and has emphasized some of the problems peculiar to life imprisonment. At the Sixth Congress, a subcommittee considering agenda item 6, entitled "Deinstitutionalization of corrections and its implications for the residual prisoner", recognized that "long-term imprisonment, especially life imprisonment, did not serve the desired purposes unless adequate measures were provided to bring such prisoners back to the main stream of social life at an appropriate stage".[4]

The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Havana from 27 August to 7 September 1990, requested the Committee on Crime Prevention and Control to examine the legal position as to the rights and duties of prisoners serving life sentences and the various systems for reviewing their suitability for conditional release. The Eighth Congress also requested the Committee to give special consideration to assessment procedures and decision-making in cases of life sentences and to examine the need for life sentences.[5] In 1992, the Committee was replaced by the Commission on Crime Prevention and Criminal Justice.*

On the recommendation of the newly formed Commission on Crime Prevention and Criminal Justice, the Council adopted resolution 1992/22 of 30 July 1992. In section VI of that resolution, the Council determined that three priority themes should guide the work of the Commission in the development of a detailed United Nations crime prevention and criminal justice programme for the period 1992-1996. One of the priority themes was "efficiency, fairness and improvement in the management and administration of criminal justice and related systems, with due emphasis on the strengthening of national capacities in developing countries for the regular collection, collation, analysis and utilization of data in the evaluation and implementation of appropriate policies". Also in section VI of that resolution, the Council determined that the Secretariat should place major emphasis on serving as a broker and clearing-house, providing advisory services and training to Member States. The present publication has been prepared in response to the above-mentioned requests and recommendations.

Special recognition is owed to Nicholas McGeorge and Sean Eratt, members of the Religious Society of Friends (Quakers), for their contributions to the present study. The invaluable substantive and financial support provided by the Society is also greatly appreciated. Thanks are

*The Economic and Social Council, in its resolution 1992/1 of 6 February 1992, decided to dissolve the Committee on Crime Prevention and Control and to establish the Commission on Crime Prevention and Criminal Justice as a functional commission of the Council, as requested by the General Assembly in its resolution 46/152 of 18 December 1991. The Commission held its first session from 21 to 30 April 1992.

also due to Dirk van Zyl Smit, Dean of the Faculty of Law of the University of Cape Town, for his constructive comments and suggestions.

Notes

[1]See *Human Rights: A Compilation of International Instruments* (United Nations publication, Sales No. E.88.XIV.1), sect. G.

[2]See *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice* (United Nations publication, Sales No. E.92.IV.1).

[3]See "Deinstitutionalization of corrections and its implications for the residual prisoner: working paper prepared by the Secretariat" (A/CONF. 87/7).

[4]*Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders* (United Nations publication, Sales No. E.81.IV.4), para. 192.

[5]United Nations publication, Sales No. E.91.IV.2, chap. I, sect. C.20.

Contents

		Paragraphs	Page
Preface			iii
Introduction		1-5	1
I.	**Life imprisonment in practice**	6-12	2
II.	**Life imprisonment and penal policy**	13-19	4
III.	**Effects of life imprisonment**	20-33	6
	A. Psychological effects	21-24	6
	B. Sociological effects	25-33	6
IV.	**Treatment of life-sentence prisoners**	34-46	8
	A. General considerations	34-37	8
	B. Specific treatment programmes	38-42	8
	C. Open conditions and contact with the outside world	43-46	9
V.	**Assessment of suitability for conditional release**	47-58	11
	A. Procedures	47-53	11
	B. Risk evaluation	54-57	12
	C. Public and political pressure	58	13
VI.	**Release procedures**	59-66	14
	A. Pre-release	59-62	14
	B. Post-release	63-66	14
VII.	**Conclusions**	67-71	16

Introduction

1. The term "life sentence" has divergent meanings in various countries. States impose life sentences for different ranges of offences; and States that release life-sentence prisoners do it in a variety of ways. Although in certain countries degrees of legislated determinacy are attached to life sentences, in general such sentences are, by their very nature, indeterminate.* Only in exceptional cases, however, does a life sentence mean that a person must spend the rest of his or her natural life in prison (see section I below).

2. Life imprisonment is of particular importance, as it is often the most severe penal sanction in countries where the death penalty does not apply. This is most clearly illustrated by the recent changes in central and eastern Europe. For example, when the death penalty was abolished by the penal code in the former Czechoslovakia on 1 July 1990, it was replaced by life imprisonment. Elsewhere, democratization has provoked debate on the use of absolute penal sanctions, such as the death penalty and life imprisonment.

3. The nature and sensationalization of the types of crime that carry life sentences make them poor candidates for progressive efforts in the penal field. Moreover, because prisoners serving life sentences will, in most cases, be the last category of prisoners considered for release, their needs may be sometimes considered by prison administrations as less immediate than those of other prisoners. In fact, they have strong immediate needs, for example, for the normalization, openness and responsibility foreseen by the Standard Minimum Rules for the Treatment of Prisoners (especially rules 37-39 on contact with the outside world). The sentence of life imprisonment can also be used as a form of indefinite preventive detention for the protection of society from "dangerous" or incorrigible offenders.

4. Life imprisonment and long-term incarceration produce comparable problems for those serving such sentences; social isolation, total dependence, suspension of time, prolonged sexual abstinence, loneliness and loss of responsibility, combined with a regimentation and routinization of life.[1] Yet life-sentence prisoners have specific needs resulting from the indeterminate nature of their sentence and the diversity of the problems that are at the root of their criminal behaviour. Doubts about what is to be assessed, when assessments should take place, and who assesses life-sentence prisoners create fundamental problems not only for the prisoners but for the penal administration as well. Prisoners serving life sentences are also unique in terms of what they represent in the criminal justice system - persons who have been convicted of very serious offences and whose sentences are an expression of the ideas of both specific and general deterrence, as well as of retributive punishment. They should be recognized as a distinct group of long-term prisoners and should be treated accordingly.

5. Assessment programmes that evaluate prisoners' suitability for release are essential for the effective management of indeterminate sentences. Life sentences, however, are often susceptible to arbitrary assessment procedures that do not follow generally accepted judicial norms. As a result, life-sentence prisoners generally do not know when they will be released, how they will be released or, indeed, whether they will be released at all.

---

*Certain States, such as Cyprus, impose long-term determinate sentences that are referred to as "life sentences". For the purpose of the present discussion, however, a life sentence implies an indeterminate life sentence.

I. Life imprisonment in practice

6. The use of life imprisonment varies widely. Its application is not peculiar to any particular culture. Some countries, such as Brazil, Colombia, Norway, Portugal and Spain, have recently replaced life or indeterminate sentences with fixed-term sentences.* In general, however, life sentences are being retained.

7. Offences that carry life sentences are of three basic kinds. First, there are offences that carry mandatory life sentences; in many countries that have abolished capital punishment, a life sentence is imposed automatically for the crime of murder once a conviction has been reached. Then there are life sentences that are passed at the discretion of judicial authorities for offences that do not automatically carry life sentences. For example, in most European countries the offence of manslaughter carries a possible life sentence; however, in no European country is it a mandatory sentence. The decision is left to the discretion of the judiciary, which determines the sentence according to the individual circumstances of each case. Finally, there is life imprisonment which is imposed when a sentence of death has been commuted.**

8. Life sentences are pronounced in a number of ways. In cases where the sentence of life imprisonment is mandatory, its imposition follows directly from the verdict of guilty, of murder, for example. In cases where a discretion is exercised, there are great variations in procedure. For instance, in France, Germany, Italy and Japan, the final prerogative to pass a life sentence is given to a panel of judges. In Ireland, Switzerland and the United Kingdom of Great Britain and Northern Ireland, a single judge may pass a life sentence. In Austria, a life sentence can be imposed only by a jury.

9. Generally, those sentenced to life imprisonment have been found guilty of very serious crimes.*** Of the life-sentence prisoners in England and Wales, 80 per cent have been convicted of murder, 8 per cent of manslaughter and other homicide offences, and 12 per cent of other offences (e.g. rape, robbery, arson and other violent or sexual offences against the person).[2] Elsewhere, the percentage of life-sentence prisoners convicted of murder is often higher. In the former Federal Republic of Germany, persons sentenced for murder constituted 98.4 per cent of all those sentenced to life imprisonment.[3]

10. A survey of life-sentence prisoners conducted by the Home Office of the United Kingdom found that they were generally men who were young and single; about 80 per cent of them had previously been before the courts.[4] A more recent Canadian survey of 495 prisoners serving life sentences yielded similar results; only 29 per cent were married when they arrived at the penal institution, 83 per cent had previous convictions, 72 per cent had no record of violent behaviour during incarceration and 62 per cent had no more than seven years of formal education.[5] Research indicates that 90 per cent of life-sentence prisoners belong to what social scientists refer to as the "underprivileged classes".[6]

11. The amount of time life-sentence prisoners can expect to serve largely depends upon the country in question. Generally, judicial systems establish a minimum period that a life-sentence

---

*Article 5 of the 1988 Brazilian Constitution and article 34 of the 1991 Colombian Constitution expressly prohibit life imprisonment. Article 30, paragraph 1, of the 1976 Portuguese Constitution abolished life sentencing in Portugal. Life sentencing was abolished in Norway in June 1981 and ceased to exist in Spain in the mid-1980s.

**For example, in Sri Lanka there are effectively two categories of persons imprisoned for life: those sentenced to life imprisonment and those sentenced to death with commutation to life imprisonment.

***It is not always crimes of murder for which life imprisonment may be imposed; for example, in some jurisdictions, trafficking or possession of weapons and possession of certain amounts of illicit drugs are punishable by life imprisonment.

prisoner must serve before being considered for release. For example, the Canadian criminal code provides for a minimum penalty of 10 years of imprisonment for second-degree murder and a minimum of 25 years of imprisonment for first-degree murder before parole can be considered. Similar minimum periods of imprisonment are applied elsewhere. In Sri Lanka, a life-sentence prisoner may be eligible for parole after having served 6 years. In Japan, the Republic of Korea and South Africa* the period is 10 years. In Austria and Germany a life-sentence prisoner may not be considered for release before having served 15 years. The corresponding duration in the former Czechoslovakia was 20 years.** However, in some countries the period may be increased as a sanction against attempted escapes, infringement of parole or other prison offences. It may also be reduced by amnesty or special remission.

12. In certain jurisdictions some life-sentence prisoners can expect to be incarcerated for the duration of their lives. For instance, in the United States of America it is estimated that there are 10,000 prisoners serving life without the possibility of parole.*** Within Europe, it is generally possible to predict the average length of a life sentence. In France a typical life sentence is 17-18 years, while in Italy it is 21 years. A life-sentence prisoner in Austria normally serves 18-20 years.[7]

---

*For general information on life imprisonment in South Africa, see D. van Zyl Smit, *South African Prison Law Practice* (Durban, Butterworths, 1992), pp. 378-381.

**The periods are stipulated by statute. Alternatively, such periods may be subject to judicial convention or executive decision. For example, according to the "tariff system" in the United Kingdom, after sentence has been passed, the judge writes to the Home Secretary through the Lord Chief Justice on the suggested minimum period the individual must spend in custody to reflect the seriousness of the crime. This figure is known as the "tariff". The first formal review of aspects of risk by the Parole Board is fixed at either 17 years after the offender began to serve the sentence or three years prior to expiry of the tariff, whichever is earlier.

***_Correctional Law Reporter_, September 1991. For further discussion of the life-without-parole sanction see D. Cheatwood, "The life-without-parole sanction: its current status and a research agenda", *Crime and Delinquency*, vol. 34, No. 7 (January 1988), pp. 43-59.

II. Life imprisonment and penal policy

13. The issues surrounding the long-term loss of liberty produce obvious emotions in view of the serious nature of the crimes that most life-sentence prisoners have been found guilty of committing. Life imprisonment, like the death penalty, frequently finds favour in public opinion, as it is perceived as demonstrating tough, retributive legal orders.

14. As ultimate penal sanctions, legitimation for both the life sentence and capital punishment tends to follow similar paths. In countries where the death penalty has been abolished, it might be useful to review the types of crime for which life sentences may be imposed, bearing in mind the safeguards that have been internationally accepted in the imposition of the death penalty. The Economic and Social Council, in its resolution 1984/50 of 25 May 1984, approved safeguards guaranteeing protection of the rights of those facing the death penalty. Those safeguards, which are annexed to that resolution, state that capital punishment may be imposed only when the guilt of the person charged is based on clear and convincing evidence and only for the most serious crimes, intentional crimes with lethal or other extremely grave consequences. In countries where capital punishment no longer exists, similar considerations could be applicable to the life sentence.

15. One of the guiding principles for sentenced prisoners, contained in the Standard Minimum Rules for the Treatment of Prisoners, is that a sentence of imprisonment can only protect society "if the period of imprisonment is used to ensure, so far as possible, that upon his return to society the offender is not only willing but able to lead a law-abiding and self-supporting life" (rule 58). Within this framework, it might appear that, once a prisoner can be regarded as being no longer a danger to society, prolonged detention beyond the period that is deemed necessary for reasons of justice, including due consideration of the seriousness of the crime and the victims concerned, may be questionable and should be subject to special scrutiny.

16. In practice, life imprisonment rarely exists without the eventual possibility of release. As expressed by the Council of Europe, "a crime prevention policy which accepts keeping a prisoner for life even if he is no longer a danger to society would be compatible neither with modern principles on the treatment of prisoners during the execution of their sentence nor with the idea of the reintegration of offenders into society".[8] Accordingly, the Council of Europe recommended that considerations of general prevention alone should not justify refusal of conditional release (resolution (76) 2 on the treatment of long-term prisoners, adopted by the Committee of Ministers of the Council of Europe on 17 Febrary 1976). According to that approach, the overall objective of the management of life-sentence prisoners is their safe release into society once they have served a sufficient period in custody to mark the seriousness of their offences. Concerned countries could lay down sufficiently long minimum periods of time for the serving of sentences that would fulfil the requirements of general prevention. Once those requirements have been satisfied, attention can be focused on the development of criteria to be used to make decisions on each prisoner's further detention.

17. Non-arbitrary judicial procedures have been recognized as the basis for continued lawful detention by the European Court for Human Rights.[9] In *Thynne, Wilson and Gunnell v. United Kingdom*, the European Court found that in the United Kingdom, current release procedures for discretionary life-sentence prisoners, those convicted of offences other than murder, were unlawful under article 5, paragraph 4* of the Convention for the Protection of Human Rights and

*"Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful" (United Nations, *Treaty Series*, vol. 213, No. 2889, p. 226).

Fundamental Freedoms.[10] The European Court held that a discretionary life sentence consisted of two elements: a period considered necessary for retribution and deterrence; and a period when a prisoner's mental instability and dangerousness could be monitored and a decision for release taken, depending on the risk of danger to the public. The factors of mental stability and dangerousness might alter with time and new issues of lawfulness of detention might arise. Thus, the lawfulness of continued detention should be decided by an independent tribunal or court at reasonable intervals.*

18. After the death penalty was abolished in the Federal Republic of Germany, there was a debate as to whether life imprisonment was compatible with the Constitution, especially the constitutional principle that a person's dignity is unimpeachable. It was argued that life imprisonment was the complete deprivation of personal liberty, which was guaranteed in fundamental law; life imprisonment violated human dignity, as people became mere objects and no longer had an inviolable domain of private life; life imprisonment offended against the principle of equality before the law, as the threatened punishments for "murder" and "homicide" were quantitatively different in terms of gravity (the former being indeterminate, the latter being determinate), whereas the "intensity of delinquency" and the "dangerousness of the perpetrator" often did not correspond to that difference. In 1977, the Federal Constitutional Court decided that life sentences for murder were constitutional if some guiding principles were respected, such as there being legal provisions for an adequate release procedure for life-sentence prisoners.[11]

19. Life imprisonment imposed on juvenile offenders is expressly dealt with by the Convention on the Rights of the Child, adopted by the General Assembly in its resolution 44/25 of 20 November 1989. Article 37, paragraph (a), of the Convention reads as follows: "No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age." Although the possibility of release is not excluded, it remains a source of concern that in many countries, including countries in western Europe,** life sentences may be imposed on children under 18 years of age.

---

*The case prompted the Criminal Justice Act 1991 of the United Kingdom to ensure that parole boards adopt judicial procedures in their consideration of the conditional release of discretionary life-sentence prisoners. For a discussion of the effect of these legislative changes, as well as of the role of the courts in ensuring procedural fairness for the release of prisoners serving mandatory life sentences, see Lord Windlesham "Life sentences: law, practice and release decisions, 1989-1993", *Criminal Law Review*, September 1993, pp. 644-659.

**For example, Belgium, France, Ireland and the United Kingdom.

III. Effects of life imprisonment

20. It is essential to consider the potentially detrimental effects of life imprisonment in order to understand the full implications of penal policy in that area. To comprehend some of the psychological and sociological problems of indeterminate long-term incarceration is to make some progress towards a better understanding of the complexity of the issues involved in life imprisonment. Research on the socio-psychological aspects of the effects of imprisonment has increased. Although there is no unanimity in the scientific literature about the "pains of imprisonment" and their consequences,[12] it is commonly agreed that there are certain detrimental effects of long-term imprisonment.

A. Psychological effects

21. Research on the effects of long-term imprisonment has generally focused on the presumed psychological damage to inmates. Its results are, more often than not, inconclusive.[13] The core problem facing life-sentence prisoners is the indeterminacy of their sentence - if, when and how release will be granted.

22. A study of female life-sentence prisoners[14] revealed that they often felt that their lives inside of prison were characterized by uncertainty. They neither knew nor felt that they had any control over how long they would remain in prison. Any knowledge of release was vague. Their greatest fear was that they might be forgotten by what they described as the "faceless machinery" of those in whose hands such decisions rested. They knew that their behaviour was subject to constant assessment, but it was not clear what was expected of them or by what criteria their behaviour was being judged.

23. The uncertainty about the direction that their lives are taking has a number of psychological consequences for life-sentence prisoners: "The lifer, though he may know the average sentence, can never count on release until it is actually granted. This uncertainty weighs heavily on lifers, for in some senses the whole of their future lives are at risk from moment to moment; they can never know that they have not condemned themselves to a vastly extended term in prison because of one momentary aberration."[15] As a result, life-sentence prisoners have no real perceptions of their own time-frames. The early mobilization of staff and prisoners requires clear and structured assessment release procedures so that such time-frames can be established.

24. While studies suggest probable psychological effects of long-term imprisonment it is important not to generalize, as "each individual who experiences prolonged confinement reacts to this situation in an idiosyncratic manner".[16] What must be recognized, however, is that the lack of any signposts on the long road of life imprisonment can only have negative effects on an inmate's mental health.

B. Sociological effects

25. As imprisonment involves the curtailment of basic rights, the loss of the right to liberty being the most obvious, the long-term loss of such rights can lead to common deleterious sociological effects: isolation, desocialization, loss of personal responsibility, identity crisis and a general dependency on the penal institution. Such consequences are perhaps inherent to imprisonment in general, but they can be intensified as a result of the way in which life sentences are managed. To attempt to comprehend the manner in which such effects manifest themselves and to ask why they can be so detrimental to a prisoner's personality is to pose fundamental questions about the philosophy of life imprisonment.

26. Social isolation is usually an unavoidable result of long-term imprisonment. Offenders, having been removed from their social environment, tend to lose outside contacts. The loss of relationships with family and friends is probably the most serious deprivation of long-term imprisonment.[17] As a sentenced person's normal pattern of social interaction is so abruptly interrupted for an indeterminate period, contacts with the outside world soon become strained.

27. Long-term imprisonment is often a slow process of social deformation. Most types of social stimulation are usually absent. In a recent study, it was found that, because of their environmental setting, long-term prisoners reported many more problems than prisoners who were newly sentenced. Negative reactions to their surroundings actually increased as they spent more time in the prison environment.[18] If life sentences are not to socially deform, then methods of social stimulation must be recognized as part of the reintegration process. Opportunities for vocational training, facilities for education and recreational programmes could all provide such stimulation.

28. A study of female life-sentence prisoners[14] found that they felt that they were increasingly unable to maintain close relationships with their families and friends and were powerless to provide support when their families needed them. For most of the women, the process of losing confidence in themselves had begun well before prison, but life inside only served to exacerbate and reinforce a derogatory status. Their fears of psychological deterioration were centred on sociological factors such as the dread of institutionalization, loss of identity and an inability to conceive of a future after prison. An additional problem that such women face is that their punishment may deprive them of the opportunity to have children.

29. Loss of responsibility results in life-sentence prisoners becoming dependent, making difficult any attempts at rehabilitating them or reintegrating them into society. A common complaint of inmates is that they have been dehumanized by the whole penal process. This could be averted by sensitive management, well-trained staff, humane conditions and a change in attitudes about what is expected from inmates and prison officers.

30. Negative "coping mechanisms" are frequently the result of prolonged incarceration.[19] Life-sentence prisoners generally cope by resigning themselves to their condition, a phenomenon that has been described as "situational withdrawal" or "specific emotional withdrawal".[1,20]

31. Recently, Zamble and Porporino[21] have developed further the findings of the above-mentioned studies. They have suggested that prisoners, rather than showing any marked changes in behaviour, actually undergo a process of "behavioural deep-freeze" and do not inevitably suffer a deterioration of their physical or mental health. Inmates' sets of outside world behaviour are stored while they become more able to operate within the penal system. It has been found that the amount of optional time that prisoners serving long-term sentences spend in their cells is significantly greater than that spent in their cells at the beginning of their sentences. The most common reason given for that change is the choice of activities that could be done better in their cells, such as studying or watching television.[22] Thus, it can be said that, among long-term inmate populations, the "efficacy of coping is higher in prison than in the community".[21]

32. Another common proposition is that life-sentence prisoners are model prisoners, having had time to get used to the prison environment. As stated by one author: "It is a paradox that the best adjusted residents of our penitentiaries are often those serving the longest terms, whose instant offences are the most heinous, who are perceived by citizens as presenting the greatest risk, and for whom public approval for leniency is least available."[23] This is demonstrated by the belief that they do not have fundamental problems in adapting to their institutional surroundings.[19,24] As has long been recognized, those sentenced for great lengths of time undergo a gradual process of "prisonization".[25] The longer the confinement, the greater the impact of "prisonization".[26]

33. While the effects of "prisonization" on life-sentence prisoners might be desirable for penal administrations in the short term, in that an institutionalized inmate tends to create fewer management problems than one who is non-institutionalized, these effects undermine one of the central purposes of sentencing: the reintegration of the offender into society. Institutionalization leaves prisoners ill-equipped to deal with the experiences and interactions outside of prison.

IV. Treatment of life-sentence prisoners

A. General considerations

34. The above-mentioned research has shown that life imprisonment may cause desocialization and institutionalization. Penal authorities who recognize that such effects are contrary to the purposes of imprisonment may wish to consider structured programmes that alleviate some of the more detrimental results of long-term incarceration. The structured programmes could be treatment-oriented.

35. The value of treatment programmes in prisons has been recognized by the international community since 1955, when the First Congress adopted the Standard Minimum Rules for the Treatment of Prisoners. According to rules 65 and 66, treatment should encourage the self-respect of prisoners and develop their sense of responsibility, using all appropriate means, including "... education, vocational guidance and training, social casework, employment counselling, physical development and strengthening of moral character, in accordance with the individual needs of each prisoner". Purposeful treatment thus has several objectives and divergent forms. Treatment programmes may be educational, vocational or recreational in nature; or there may be specialized programmes dealing with issues of mental health.[27]

36. The Council of Europe has broadly interpreted "treatment" as including all measures needed to maintain or to recover the physical and mental health of prisoners, as well as a whole range of activities to encourage and advance social rehabilitation, to give prisoners opportunities to acquire competence to live socially responsible lives and to disengage from criminality.[28] A prerequisite of treatment programmes is usually the knowledge of release dates; release dates are a goal towards which treatment programmes can be directed. The fact that life-sentence prisoners generally have no such expectations of release upon arriving in prison may have adverse effects on treatment efforts. For that reason, it may be advisable for treatment programmes to be carefully planned and to begin at the earliest possible time.

37. The notion of "treatment" is controversial.* A number of social science research studies support the view that imprisonment "in the name of treatment" actually implies longer incarceration and thus affords a lower degree of legal protection than a regular prison sentence.[29] Treatment should not, therefore, be used as a subtle means of coercion that has the effect of further punishing offenders who have been indeterminately deprived of their liberty. Mathiesen[30] describes long-term prisoners who "experienced the treatment staff in general as having a particular and dangerous, almost omnipotent power". Treatment programmes should not be applied as a euphemism for control or intimidation. They should, therefore, always be genuinely optional.

B. Specific treatment programmes

38. The objectives of a treatment programme that concentrates on the individual personality of a prisoner are best achieved if the programme is directed towards specific behavioural problems.[21] These may be behavioural problems that have culminated in the offence or ones that a life-sentence prisoner is experiencing within the penal institution. Specific treatment programmes thus

*Since 1975, when D. Lipton, R. Martinson and J. Wilks published *The Effectiveness of Correctional Treatment: A Survey of Treatment Evaluation Studies* (New York, Praeger, 1975), the "nothing works" school of thought has had a significant impact on correctional policies.

serve a dual function: they offer the prisoner an opportunity for self-examination, whereby he or she can confront previous or present problems, and they provide the prison staff with a better opportunity to understand particular behavioural patterns.

39. Treatment programmes can only be effective if prisoners serving life sentences are motivated and receptive to them. As emotional distress can reach a peak at the beginning of a prison term, that may be the period when inmates are most receptive to treatment.[21] Obviously that will not always be the case, but it underlines the need for immediate access to treatment programmes. Treatment should not be too generalized, as prisoners have specific needs depending upon their age, the length of the sentence served, their outside contacts and their individual personalities. Therefore, while there may be a common approach to problems within groups of life-sentence prisoners, treatment should also be tailored to suit individual needs.

40. In the absence of structured treatment programmes, long-term prisoners are left on their own to find the means with which to cope with their sentences. This has detrimental effects, not only for the prisoner, but also for prison authorities in that a situation of "them" and "us" often develops. Behavioural treatment programmes can be the required motivation in an inmate's positive adjustment, both psychologically and sociologically, to the prison environment.* Although programmes should not be aimed at changing behaviour itself, a variable that can never really be evaluated, they may open a more positive dialogue between staff and prisoner, thereby establishing a sound foundation for the personal development of prisoners serving life sentences.

41. The United Nations has recognized the primary importance of education in the treatment of offenders (see General Assembly resolution 45/111 of 14 December 1990 and Economic and Social Council resolutions 1990/20 and 1990/24 of 24 May 1990). Education may range from physical education to academic studies at advanced levels. If a life-sentence prisoner is moved from prison to prison, his or her education may lack continuity. It is therefore essential to develop treatment programmes that offer consistent care. Long-term prisoners should be able to continue academic courses irrespective of any transfers that they may have to undergo while serving their sentences.

42. Life-sentence prisoners should not be excluded from prison industries that are playing increasingly important roles in correctional institutions. Prison labour, rather than being perceived as a disciplinary measure, is now regarded as an essentially positive element in the daily routine of prisoners. The list of potential "prison careers" need not be limited. Positions could be provided such as clerks, accountants, vocational counsellors, health-care assistants, life-skill coaches and lead hands in industrial shops.[31] The nature of their sentence should not deny life-sentence prisoners the opportunity to develop work habits or acquire appropriate life, vocational and social skills.

C. Open conditions and contact with the outside world

43. The social isolation that results from imprisonment cannot be alleviated solely by treatment programmes within penal institutions. The most obvious means of maintaining prisoners' contact with society at large is to preserve any social relationships they may have had before incarceration or to build up new ones inasmuch as that is possible.** The United Nations has recognized the need for prisoners to keep their contact with the outside world. According to rule 37 of the Standard Minimum Rules for the Treatment of Prisoners, "prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits". This rule is of particular importance to life-

---

*"Positive adjustment" is understood as acceptance of the sentence, immediate acceptance of responsibility, integration into the prison environment and recognition of the opportunities for personal growth inside prison by both staff and inmates.

**There have been a number of initiatives aimed at establishing links between the community outside and life-sentence prisoners. Examples include Infinity Lifers' Liaison Group in Canada and the Lifeline organization in the United Kingdom.

sentence prisoners, as the longer the period of imprisonment, the greater the strain on a prisoner's relationships in the outside world.

44. In separate studies of long-term and life prisoners, th loss of relationships in the outside world was regarded by the prisoners themselves as one of the greatest problems they encountered.[15,32] In his empirical research, Sapsford observed that prisoners who had been imprisoned for several years received fewer letters and visits than newly arrived inmates; half of the men he interviewed depended very much on outside contacts to "keep them sane" and "give them some slight chance of ever living a normal life again".[33] The development of communications with the outside world may even be a crucial issue in the preservation of the mental health of life-sentence prisoners.

45. The inevitability of the decline in relationships with family and friends can largely be attributed to closed prison regimes. Open penal institutions would entail opportunities for furloughs, regular visits, telephone access, work release and other day leave possibilities. Dünkel and van Zyl Smit[34] concluded that studies on the relaxation of prison regimes, leading to more open prisons, are uniformly positive.

46. The risks that "dangerous" long-term prisoners pose in an open institution may be exaggerated and should not be the all-persuasive criterion in penal policies, resulting in refusal to widen the contacts of life-sentence prisoners with the outside world. There is a need for a better understanding of the real risks that most prisoners serving life sentences pose in open conditions, a subject that is discussed in detail in section V.B below.

V. Assessment of suitability for conditional release

A. Procedures

47. If long-term indeterminate prisoners are to be considered for release, then comprehensive, well-informed release decisions may only be reached if there are independent, non-arbitrary assessment procedures. Such procedures necessitate minimum safeguards to avoid personal or political manipulation of life-sentence prisoners. Thus, the question must be raised as to who would be in the best position to assess prisoners in a non-discriminatory, objective and accurate way. The substantive criteria of review programmes should be comprehensible not only to those involved in the decision-making process, but also to the prisoners themselves and the public at large.

48. The direct effect of clear evaluation procedures for release would be that they provide structures for life-sentence prisoners with which to form time perspectives. The time-framing of long prison terms has two distinct objectives: first, it helps inmates develop a sense of worth; and secondly, it uses that positive attitude as a bridge to the future, encouraging foresight and purposefulness.[35]

49. The procedures for evaluating a life-sentence prisoner's suitability for release are generally considered after the prisoner has served a number of years. The Council of Europe, in its general report on the treatment of long-term prisoners, stated that although it would be desirable to examine the development of the prisoner's personality at an earlier time, such a review should be made, at the latest, after 8-12 years of imprisonment. Then, if the result is negative, the review should be repeated at regular, not too widely spaced intervals.*

50. Early assessment may be vital in that it gives a structured approach to a life-sentence prisoner's future movement through the penal system. Any assessment that begins at a later stage would risk neglecting the initial impact that the sentence has had on a long-term prisoner's personal development. Ideally, assessments could therefore begin as soon as a life-sentence prisoner is committed to a penal institution, well before release can realistically be contemplated. The possibility of release may then be considered, upon the fulfilment of certain conditions framed by law, based on accurate, well-informed and regular assessment reports.

51. Proper assessments of the behaviour and progress of life-sentence prisoners are mostly made by those staff members who have regular contact with them. The primary actors in the initial assessment reports are thus the prison staff, psychiatrists, social workers and probation officers. As the decision-making in the conditional release of life-sentence prisoners is often based almost totally on such assessment reports, it is essential that they are as objective as possible. Staff who are in close contact with prisoners are not necessarily in the best position to make an independent evaluation, one devoid of prejudices. Generally, few staff involved in the process of assessment have received specific training in working with life-sentence prisoners.[16]

52. Other common problems encountered in making decisions on the release of life-sentence prisoners include lack of communication between the assessors and the body with which the final release prerogative lies, lack of prisoner participation or representation, closed-door release decisions and politically motivated review bodies. A clear division of roles in decision-making

---

*See resolution (76) 2 on the treatment of long-term prisoners, adopted by the Committee of Ministers of the Council of Europe on 17 February 1976.

would provide a foundation upon which independence could be achieved. The prison staff, psychiatrists and others involved in the initial evaluation reports should not function as "judges"; that is the role of the parole board or some other competent authority.

53. In western Europe, there are two major problems that affect the objective evaluation and assessment of the suitability of release of life-sentence prisoners: first, life-sentence prisoners can find their time in prison extended, not because of their behaviour but because of political pressure to "be tough on criminals"; and secondly, release decisions often rely upon an analysis of the perceived future "dangerousness" of a life-sentence prisoner, that is, the danger of the life-sentence prisoner committing another serious crime. Other factors affecting the assessment of life-sentence prisoners include considerations such as threats that these prisoners pose to themselves or to others while in prison, relevance of alcohol or drugs, reaction to treatment programmes, evaluation of rehabilitation, current contacts outside of the prison, plans for future contacts, and anticipated behaviour if reintegrated into society.

B. Risk evaluation

54. Risk evaluation may be the most important factor in assessing the appropriateness of releasing a life-sentence prisoner, if it can be assumed that the protection of society in a narrow sense is the main purpose of imprisonment. But the victim's human rights and interests may also have to be considered in making the assessment. In some countries, consideration of the victim's interest is required in making such an assessment.

55. The prediction of future "dangerousness" is one of the main reasons for inconsistency in evaluating prisoners' suitability for release. The decision to release a prisoner may depend largely on whether or not the parole board perceives that the inmate is "dangerous", since "dangerousness is a focal point for decision-making".[36] The assumption in the concept of "dangerousness" is that it is possible to predict future behaviour on the basis of understanding the actor and his previous acts and in the belief that those deemed "dangerous" have a high probability of engaging in future criminal behaviour of a serious nature. Research has generally found that "there is clear and convincing evidence of the inability of psychiatrists or of anyone else to accurately predict dangerousness".[37] In a comprehensive review of the relevant research, it was concluded that accurate prediction of "dangerousness" is impossible.[38]

56. Studies in the United States and elsewhere have uncovered evidence that those persons who had been assessed as the most "dangerous" have had a low reconviction rate in relation to violent offences, particularly homicide.[39,40] Thus, although a prediction of "dangerousness" is in practice necessary to any assessment programme, it is difficult to justify keeping prisoners incarcerated solely because of predictions of their future "dangerousness". This is supported by the findings of most experts that long-term prisoners do not generally present special problems of security and control and that they pose little threat to the community when eventually released.[41] Assessment procedures should take into account the ambivalence and uncertainty of the dangerousness variable.

57. Some empirical studies indicate relatively low recidivism rates for those who have been released from life imprisonment. In a survey of the total number of life-sentence prisoners released in the United Kingdom between 1972 and 1987, it was concluded that the vast majority of released life-sentence prisoners were not reconvicted of offences of any kind in the first few years after their release.[2] Of the 1,045 prisoners serving life sentences who had been released in the 15-year period under review, 11 (1.0 per cent) were subsequently convicted of homicide and 27 (2.6 per cent) were convicted of other serious offences such as rape, robbery, aggravated burglary or arson; the recidivism rate for committing offences of a serious nature was thus 3.6 per cent. Recidivism rates among released homicide offenders in Canada[42] and Germany[43] have been found to be similar. Penal administrators may wish to collect statistics of this kind with a view to observing the actual recidivism rates of those who have been released from life imprisonment.

C. Public and political pressure

58. The evaluation and assessment of long-term indeterminate prisoners do not operate in a world separate from political and public pressure. Public perception can best be measured in the context of media reports. The media may have a tendency to "demonize" certain prisoners, either collectively or individually, which results in negative popular opinion. If policy makers were in a position to point to the fact that decisions to release long-term indeterminate prisoners were based on a standardized process that took into account public sentiments about perpetrators of serious crime and that actively involved victims and their families, such decisions would be less open to undue criticism.

VI. Release procedures

A. Pre-release

59. In pre-release procedures, the legal and practical justifications for the release of prisoners, including life-sentence prisoners, are considered. Such procedures are practised in almost all European countries. Though they generally include the participation of members of the judiciary, the final decision is often made by the head of State or a government minister. Early release, which is often called parole or remission, varies greatly from country to country. In some countries, prisoners have the right to be considered for early release, while in others early release is regarded as a special privilege granted by the Government. Pre-release procedures may therefore be initiated by the penal authorities, at the request of the executive, or by petition or plea from the prisoners themselves.

60. Existing assessments for conditional release vary. Reviews may be made weekly or annually; the prisoner may or may not be informed of decisions; reports may be submitted in writing or orally; and grounds for refusal of release are rarely given to the life-sentence prisoner.

61. There is an increasing tendency to allow prisoners to be involved in the process of making decisions about their eventual release.* Although prisoners are not always allowed to attend hearings in person, they may usually have their case presented by a representative or in writing. Representation is a fundamental right in judicial proceedings and is crucial to a fair assessment. Effective representation requires knowledge of what is being written or said.

62. The importance of a regular, non-arbitrary and comprehensive assessment of a life-sentence prisoner's suitability for conditional release has been stressed throughout this publication. The assessment should follow certain basic guidelines and should take into consideration the following:

(a) A target date for release could be established as soon as possible;

(b) Release procedures could involve the life-sentence prisoners themselves;

(c) Release procedures should be subject to a right of appeal in the event that the release is continually refused;

(d) Reports by the prison authorities should be in writing (oral presentations may leave room for personal manipulation).

B. Post-release

63. Pre-release and post-release procedures may meet in the form of "halfway houses". These semi-custodial institutions can play an essential role in the last stages of a life-sentence prisoner's reintegration into society. They are assuming growing importance in the general discussion on release procedures.

64. No assessment procedure can guarantee that a released prisoner will not relapse into crime. Life-sentence prisoners who have been released are often subject to conditions and licences. Any failure to observe the conditions may result in a recall to prison. Supervising or probation officers therefore play a prominent role in the initial stages of a life-sentence prisoner's conditional release.

---

*In Canada, Denmark, Germany and Italy, life-sentence prisoners may challenge any review processes on their suitability for conditional release.

It is important that recall procedures be governed by law, as a decision to recall a person to prison affects his or her liberty most directly. A person faced with the risk of being recalled to prison should be given an opportunity to present his or her case.

65. The period of time for which a prisoner who has served a life sentence is supervised following release varies from country to country. A statutory time period operates in most jurisdictions, although sometimes Governments reserve the right to recall such people at any time during the remainder of their lives for breaches of conditions.

66. The post-release stage should not only be regarded as a means of further supervising offenders who have been sentenced to life imprisonment, but should also provide after-release assistance that offers adequate social support to all former life-sentence prisoners. If released life-sentence prisoners are to "begin afresh", then their social relations and after-care are of obvious importance.*

*The importance of social relations and after-care is emphasized in rules 79-81 of the Standard Minimum Rules for the Treatment of Prisoners.

VII. Conclusions

67. The special problems that face life-sentence prisoners affect not only the prisoners as individuals, but also the entire corrections system. Studies have concluded that prisoners sentenced to life imprisonment may suffer from psychological and sociological problems that may cause desocialization and dependence, which are harmful to the health of the individual prisoner, and therefore the entire society, if and when release is granted.

68. The solution to many of these problems can be found in specific treatment programmes which may include physical education, academic studies, positions in prison industries, or greater contact with the outside world. These programmes serve not only to motivate prisoners, but also as a way of allowing them to confront previous or present problems. Additionally, the prison staff benefits by having another means of assessing the progress of individual prisoners.

69. International instruments on imprisonment and human rights suggest that the deprivation of liberty may only be justified if accompanied by review and assessment procedures that operate within commonly accepted judicial standards. Indeterminate life sentencing cannot be allowed to open the door for arbitrary detention. Fair, unprejudiced assessment programmes offer possible checks against this.

70. It is not only for humanitarian reasons that independent, non-arbitrary assessment procedures and programmes for preparing prisoners for eventual release should be implemented. The cost-effectiveness of imprisonment is always a major concern of penal policy makers. To incarcerate a person for life without the possibility of being released not only ignores two of the purposes of imprisonment (rehabilitation and reintegration into society), but also places heavy financial burdens on taxpayers.

71. In view of the questions raised in this publication the following preliminary views may be subject to further discussion within the framework of the national legislation and practice of each country.

General considerations

Consideration may be given to the following:

(a) Establishing a penal policy that would:

(i) Ensure that life imprisonment is imposed only when strictly needed to protect society and to ensure justice and, in countries where the death penalty has been abolished, only on offenders who have committed the most serious crimes;

(ii) Ensure that life imprisonment without the possibility of release is not imposed on juveniles under 18 years of age;

(iii) Guarantee that any individual sentenced to life imprisonment has the right to appeal to a court of higher jurisdiction and to seek a pardon or commutation of sentence;

(iv) Provide for the possibility of release in life-sentence cases in accordance with national laws and with due regard to the concerns of the victims or their dependants;

(v) Guarantee that special security measures are applied only in those cases where genuinely dangerous prisoners are held;

(b) Taking all necessary steps to ensure a better understanding by the general public of the special circumstances and problems of life-sentence prisoners, thereby creating a social climate favourable to their treatment;

(c) Adopting and implementing rules and regulations establishing procedures and programmes for the training and treatment of life-sentence prisoners, focusing on the assessment and decision-making procedures to be used in determining their suitability for release;

(d) Taking the necessary legislative and administrative measures in order to promote appropriate treatment and training during the enforcement of life sentences;

(e) Ensuring that national budgeting policies address the problem of inadequate resources for correctional assessment and decision-making procedures.

Conditions, training and treatment

Steps may need to be taken:

(a) To ensure that the actual conditions for life-sentence prisoners are compatible with human dignity and accepted minimal prison standards for all prisoners, in accordance with the Standard Minimum Rules for the Treatment of Prisoners;[44]

(b) To provide an assessment of the personality and needs of each life-sentence prisoner as soon as possible after admission, with a view to establishing appropriate optional training and treatment programmes;

(c) To adopt procedures for establishing, implementing and reviewing individualized programmes for life-sentence prisoners, with special emphasis on the following:

(i) Training and treatment programmes that take into account changes in the prisoners' behaviour, interpersonal relations and motivation regarding work and educational goals;

(ii) Educational training programmes, aimed at helping life-sentence prisoners to preserve or revive their personal abilities;

(d) To provide opportunities for work with remuneration, study, and religious, cultural and sports and other leisure activities, to be utilized in accordance with the individual treatment needs of each life-sentence prisoner;

(e) To encourage a sense of responsibility in life-sentence prisoners by fostering their participation in all appropriate aspects of prison life;

(f) To provide life-sentence prisoners with opportunities for communication and social interaction with the outside community and, in particular, to allow them to receive regular visits from their relatives and other persons that would promote the best interests of the prisoners and their families, utilizing community agencies, social workers and volunteers to assist the prison staff in maintaining and improving those relationships;

(g) To reinforce contacts with the outside community by creating conditions in which life-sentence prisoners may participate in educational programmes and work outside their penal institutions, may be granted periods of leave for medical, educational, family or social reasons and may take part in outside activities as an integral part of their training and treatment programmes, where necessary under supervision.

Staff

Appropriate staffing arrangements may be encouraged:

(a) By developing and utilizing a communication system and management style that encourages positive relationships between prison staff and life-sentence prisoners, thereby improving the prospects for effective and supportive training and treatment programmes;

(b) By improving the training of prison staff on the problems of life-sentence prisoners;

(c) By ensuring that legal staff and expert witnesses, as well as any medical or psychiatric staff involved and any other persons concerned, have a part in the counselling and training of life-sentence prisoners.

Review procedures

Review procedures may be strengthened by measures:

(a) To establish and maintain consistent reporting and review procedures to assess fairly the progress of training and treatment programmes and the behaviour of life-sentence prisoners, with special emphasis on the following:

(i) Regular assessments of the suitability and progress of all training and treatment programmes, bearing in mind the common responsibility of the prison administration and the life-sentence prisoners themselves for those programmes;

(ii) Regular assessments of the behaviour and progress of life-sentence prisoners, made by staff members who have regular contact with them;

(iii) Periodic reports on each life-sentence prisoner, focusing on the behavioural and attitudinal changes of the prisoners during the preceding time and on their potential for release;

(iv) The possibility of commuting a life sentence into a determined sentence after a fixed minimum time;

(b) To establish a body to review each life-sentence prisoner's progress at regular intervals and, if appropriate, to recommend or grant release or remission;

(c) To ensure that, subject to the serious nature of the offence and the prisoner's behaviour, each life-sentence prisoner's case is reviewed and, where appropriate, a target date for release or conditional release is established as soon as possible. Considerations of general prevention alone should not justify refusal of release;

(d) To ensure due presentation of the views, feelings and concerns of victims or their families to the assessment procedures;

(e) To encourage life-sentence prisoners to participate, as far as possible, in the assessment process:

(i) By informing them of all programme contents and assessment aims with a view to providing the prisoners with the opportunity to contribute to them;

(ii) By notifying them of the reasons for all decisions and recommendations concerning their behavioural assessments and potential for release;

(iii) By establishing appropriate procedures that would ensure their right to appeal such decisions and recommendations to the competent judicial or other authorities; and, in all cases in which the interests of justice so require, by providing them with effective legal assistance upon request, without payment by them if they lack sufficient means to pay for such service.

Release of prisoners

Consideration may be given to:

(a) Preparing and executing a pre-release programme for every life-sentence prisoner nearing release, emphasizing the prisoner's reintegration into society, with special reference to his or her family, social environment and employment;

(b) Providing post-release assistance, emphasizing effective social support for all former life-sentence prisoners in need of it, in order to facilitate their return to normal life. This could be achieved with a diminishing level of police and court control over the conditionally released prisoner.

Research

Research on the following subjects may be promoted:

(a) Effects of the release of life-sentence prisoners on the public, their victims and, in the event of death or permanent disability of the victims, the victims' dependants.

(b) Special stresses faced by life-sentence prisoners and the effects of such sentences on their personality and psychological development;

(c) Effects of treatment and training programmes, pre- and post-release programmes, open conditions and early or conditional release on the future lives of life-sentence prisoners;

(d) Empirical foundations of penal purposes that serve as legitimation for life sentences;

(e) Life sentences and their impact on human rights guaranteed by constitutions and the jurisdictions of constitutional courts.

Notes

[1]W. Rasch, "The effects of indeterminate detention: a study of men sentenced to life imprisonment", *International Journal of Law and Psychiatry*, vol. 4, 1981, pp. 417-431.

[2]Findings released by the National Association for the Care and Resettlement of Offenders, August 1991.

[3]Germany, Statistisches Bundesamt, *Strafverfolgung 1980-1989* (Wiesbaden, 1990).

[4]David Smith, *Life-Sentence Prisoners*, Home Office Research Study No. 51 (London, H.M. Stationery Office, 1975).

[5]Report of the Task Force on Long-Term Sentences, presented to the Executive Committee of the Correctional Service of Canada, April 1991.

[6]Peter-Alexis Albrecht, "Zur sozialen Situation entlassener 'Lebenslänglicher'", *Monatsschrift für Kriminologie und Strafrechtsreform*, No. 3, 1977, pp. 133-152.

[7]See A. M. van Kalmthout and P.J.P. Tak, *Sanction-Systems in the Member-States of the Council of Europe, Part II* (Boston, Kluwer Law and Taxation Publishers, 1992), p. 370.

[8]European Committee on Crime Problems, *Treatment of Long-Term Prisoners* (Strasbourg, Council of Europe, 1977).

[9]See *Weekes v. United Kingdom*, 2 March 1987 (European Court for Human Rights) and *Thynne, Wilson and Gunnell v. United Kingdom*, 26 October 1990 (European Court for Human Rights).

[10]United Nations, *Treaty Series*, vol. 213, No. 2889, p. 222.

[11]*Entscheidungen des Bundesverfassungsgerichts* (BVerfGE), vol. 45, p. 187. See also the decision of the Federal Constitutional Court of 3 June 1992 (*Entscheidungen des Bundesverfassungsgerichts* (BVerfGE), vol. 86, p. 288).

[12]See J. Wormith, "The controversy over the effects of long-term incarceration", *Canadian Journal of Criminology*, vol. 26, 1985.

[13]R. Sapsford, *Life-Sentence Prisoners: Reaction, Response and Change* (Buckingham, Open University Press, 1983), p. 23.

[14]E. Genders and E. Player, "Women lifers: assessing the experience", *Cropwood Conference Series*, No. 19, 1988.

[15]R. Sapsford, "Life-sentence prisoners: psychological changes during sentence", *British Journal of Criminology*, vol. 18, No. 2 (1978), pp. 128-145.

[16]L. Bukstel and P. Kilmann, "Psychological effects of imprisonment on confined individuals", *Psychological Bulletin*, vol. 88, p. 469.

[17]T. J. Flanagan, "The pains of long term imprisonment: a comparison of British and American perspectives", *British Journal of Criminology*, vol. 20, No. 2 (1980), pp. 148-156.

[18]D. L. MacKenzie, J. W. Robinson and C. S. Campbell, "Long-term incarceration of female offenders: prison adjustment and coping", *Criminal Justice and Behaviour*, vol. 16, No. 2 (1989), pp. 223-238.

[19]D. L. MacKenzie and L. Goodstein, "Long-term incarceration impacts and characteristics of long-term offenders: an empirical analysis", *Criminal Justice and Behaviour*, vol. 12, No. 4 (1985), pp. 395-414.

[20]S. Cohen and L. Taylor, *Psychological Survival* (New York, Pantheon, 1973).

[21]E. Zamble and F. Porporino, "Coping, imprisonment and rehabilitation: some data and their implications", *Criminal Justice and Behaviour*, vol. 17, No. 1 (1990), pp. 53-70.

[22]E. Zamble, "Coping, behaviour and adaptation in long-term prison inmates: descriptive longitudinal results", unpublished paper, Queens University, 1992.

[23]W.R.T. Palmer, "Programming for long-term inmates: a new perspective", *Canadian Journal of Criminology*, vol. 26, 1984, p. 439.

[24]E. Zamble, "Behaviour and adaptation in long-term prison inmates: descriptive longitudinal results", *Criminal Justice and Behaviour*, vol. 19, No. 4 (1992), pp. 409-425.

[25]D. Clemmer, *The Prison Community* (Boston, Christopher Publishing House, 1940).

[26]J. Irwin, "Sociological studies on the impact of long-term confinement", *Confinement in Maximum Custody* (1981).

[27]D. Wilson and G. Vito, "Long-term inmates: special needs and management considerations", *Federal Probation*, September 1988.

[28]H. Gonsa, "Preparation of prisoners for release and pre-release treatment", *Prison Information Bulletin* (Strasbourg), December 1987.

[29]See T. Mathiesen, *Prison on Trial* (London, Sage Publications, 1990), p. 34.

[30]Ibid., p. 44.

[31]Clemmer, op. cit., p. 450.

[32]B. Richards, "The experience of long-term imprisonment", *British Journal of Criminology*, vol. 18, No. 2 (1978), pp. 162-169.

[33]Sapsford, op. cit.

[34]F. Dünkel and D. van Zyl Smit, *Imprisonment Today and Tomorrow: International Perspectives on Prisoners' Rights and Prison Conditions* (Boston, Kluwer Law and Taxation Publishers, 1990), p. 735.

[35]Palmer, loc. cit., p. 449.

[36]H. A. Marra, G. E. Konzelmann and P. G. Giles, "A clinical strategy to the assessment of dangerousness", *International Journal of Offender Therapy and Comparative Criminology*, vol. 31, No. 3 (1987), pp. 291-300.

[37]J. Cocozza and H. Steadman, "The failure of psychiatric predictions of dangerousness: clear and convincing evidence", *Rutgers Law Review*, vol. 29, 1976, pp. 1084-1101.

[38]Stefan Hinz, "Gefährlichkeitsprognose bei Straftätern: Was zählt? Eine experimentelle Untersuchung zum Gebrauch der Eingangsinformation bei der Vorhersage eines sozial definierten Kriteriums durch klinische Urteiler", *Europäische Hochschulschriften* (Frankfurt), vol. 594, No. 2 (1987).

[39]H. Steadman and J. Cocozza, *Careers of the Criminally Insane: Excessive Social Control of Deviance* (Albany, New York State Department of Mental Hygiene, 1974).

[40]T. Thornberry and J. Jacoby, *The Criminally Insane: A Community Follow-Up of Mentally Ill Offenders* (Chicago, University of Chicago Press, 1979).

[41]G. Wardlaw and D. Biles, *The Management of Long-Term Prisoners in Australia* (Canberra, Australian Institute of Criminology, 1980).

[42]J. Weekes, "Long-term offenders: who are they and where are they?", *Forum on Canadian Corrections Research*, vol. 4, No. 2 (June 1992).

[43]H. Weber, "Wider die lebenslange Freiheitsstrafe", *Kommittee für Grundrechte und Demokratie*, 1990, p. 101.

[44]See *Human Rights: A Compilation of International Instruments* (United Nations publication, Sales No. E.88.XIV.1), sect. G.